

STATE OF MAINE

DIRIGO HEALTH AGENCY

RE: DETERMINATION OF ) PROCEDURAL ORDER  
AGGREGATE MEASURABLE ) NO. 1  
COST SAVING FOR THE SECOND )  
ASSESSMENT YEAR (2007) )

The Board of Directors of the Dirigo Health Agency issues this Procedural Order No. 1 in the above captioned matter.

On January 27, 2006, the Board of Directors of the Dirigo Health Agency issued a Notice of Pending Proceeding and Hearing in this matter. 24-A M. R. S. A. § 6913 (1) (A) requires that the Board hold an adjudicatory hearing on the determination of aggregate measurable cost savings, including any reduction or avoidance of bad debt and charity care costs to health care providers in the State as a result of the operation of Dirigo Health and any increased MaineCare enrollment due to an expansion in Maine Care eligibility occurring after June 30, 2004.

In the January 27, 2006 Notice, the Board provided notice that the hearing would being a 9:00 a. m. on March 15, 2006, in the Hearing Room of the Maine Public Utilities Commission, 242 State Street, Augusta, Maine. Subsequent days of hearings, to the extent deemed necessary by the Board, will be held on March 16, and 17, 2006.

The hearing will be conducted pursuant to and in accordance with the Maine Administrative Procedure Act, 5 M. R. S. A. § 9051, et. seq. and this Procedural Order No. 1.

1. Parties and Intervention

The Dirigo Health Agency is a party to the proceeding. The January 27, 2006 Notice advised that other persons wishing to intervene as parties to the proceeding shall file their applications in writing with the Board no later 3:00 p.m. on February 10, 2006.

Only persons willing to undertake the responsibilities placed upon parties to an adjudicatory proceeding as set forth in the January 27, 2006 Notice and this Procedural Order No. 1 should seek intervenor status. Persons granted intervenor status may present evidence and arguments on the issues; pre-file testimony and exhibits; be subject to cross-examination; and file motions, briefs and other pleadings.

2. Schedule of Proceeding

The schedule of proceeding set forth below is hereby established by the Board. All persons are advised that this schedule is subject to change based upon developments in the proceeding and should verify the current schedule as necessary.

Intervention	3:00 p.m. February 10, 2006.
Statements in Opposition To Intervention	12:00 noon February 15, 2006.
Exchange of Witness List And Documents	3:00 p.m. March 3, 2006.
Designation of Expert Witnesses with Rule 26 Disclosure	3:00 p.m. March 3, 2006.
Identification of Methodology and Supporting Data	3:00 p.m. March 8, 2006
Pre-filed Testimony And Exhibits	12:00 noon March 10, 2006
Pre-Hearing Briefs	12:00 noon March 14, 2006.
First Session of Public Hearing	9:00 a.m. March 15, 2006.

3. Exchange of Witness List and Documents

A party shall provide to other parties and file with the Board in accordance with the Schedule of Proceeding the following information:

- a. The name, address and telephone number of each witness the party intends to, or may, present at the hearing;
- b. A summary of the testimony to be presented by each witness;
- c. A copy of each document or other exhibit, including summaries of other evidence, the party intends to, or may, present at the hearing;
- d. The name, address and telephone number of each person the party expects to call as an expert witness and the information required to be disclosed under Rule 26 (b) (4) (A), M. R. Civ. P.; and,

e. Parties intending to propose a methodology to determine aggregate measurable cost savings shall provide a detailed description of the methodology for determining aggregate measurable cost, including the components to be included in aggregate measurable cost savings, the party intends to present; and credible, reliable and accurate data that supports the amount of aggregate measurable cost savings derived from the methodology.

4. Service of Documents

a. Where to File.

All filings and other correspondence relating to this proceeding should be either hand delivered to the Board at the offices of the Dirigo Health Agency, 211 Water Street, Augusta, Maine, or mailed to the Board at the following address:

Board of Directors, Dirigo Health Agency  
Attn: Lynn Theberge  
Dirigo Health Agency  
53 State House Station  
Augusta, Maine 04333-0053

b. Method of Filing

(1) Two (2) hard copies must be filed with the Board.

(2) One (1) hard copy must be served on all parties to the proceeding and on the hearing officer.

(3) One (1) identical electronic copy of the document must be filed with the Board via e-mail sent to the following address:

[Lynn.C.Theberge@maine.gov](mailto:Lynn.C.Theberge@maine.gov)

c. Service List

The Board will establish a service list and provide the list to all parties. Each party shall provide the Board within forty-eight (48) hours of being granted party status the name, address, telephone number, FAX number and e-mail address of one person to accept service for that party is to be made.

5. Motions

Every request or motion for an order or ruling by the Board shall be in writing, unless made on the record during the hearing to which the request or motion is related. Every request or motion shall state with particularity the grounds therefore and shall set forth the order or ruling sought. A party shall file with the request or motion or

incorporate within the request or motion (i) a memorandum with citations to supporting authorities and (ii) a draft order which grants the motion and specifically states the relief to be granted.

Any party opposing a request or motion shall file within four (4) calendar days after receipt of the motion a memorandum in opposition to the request or motion.

Memorandum in support of or in opposition to a request or motion shall not exceed five (5) pages.

6. Pre-filed Testimony and Exhibits

On the deadline established for pre-filing, any party wishing to present evidence shall pre-file with the Board written testimony and exhibits of each witness the party intends to present in support of its direct case. A copy of all testimony and exhibits must be served on all other parties to the proceeding in accordance with the requirements set forth above. Such testimony will be admitted at the hearing only if the witness, under oath, affirms the pre-filed testimony and is subject to cross-examination. The pre-filed testimony shall be in question and answer format; summary or other non-testimonial material shall not be accepted.

Pre-filed testimony and exhibits are subject to objection when offered at the hearing, but in no event will be admitted unless the witness submitting the testimony is available at the hearing for cross-examination.

Pre-filed testimony and exhibits shall be limited to the issues and subject matter outlined in the applicable statutes and by any applicable order of the Board.

7. Consolidation of Presentations

The Board will require parties with similar interests to consolidate presentations of evidence and argument at the hearing. Accordingly, parties with similar interests shall, among other matters, coordinate the use of experts and the testimony of witnesses and issues to be addressed at the hearing.

Dated: February 13, 2006

BOARD OF DIRECTORS  
DIRIGO HEALTH AGENCY



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Robert McAfee, M.D., Chair

